



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: December 7, 2005

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Prospective lease of 230 West Elm Street (Dept. L-1) and 215 West Elm Street (L-3), Lodi, California; the negotiating parties are the City of Lodi and County of San Joaquin relating to court office space; price and terms are under negotiation; Government Code §54956.8
- b) Conference with Blair King, City Manager (Acting Labor Negotiator), regarding Fire Mid-Management pursuant to Government Code §54957.6
- c) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(B) regarding exposure to San Joaquin County for alleged non-compliance with underground storage tank regulations at Municipal Service Center and the old Public Safety Building
- d) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- e) Actual litigation: Government Code §54956.9(a); one case; Peter Rose et al. v. the City of Lodi, et al.; United States District Court, Eastern District of California, Case No. CIV.S-05-02229

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Chris Chavez, Heartland Community Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards

- a) Announcement of Mayor's Community Service Award recipients

D-2 Proclamations – None

D-3 Presentations

- a) Presentation by Dennis Lewis regarding Lodi Adopt-A-Child Christmas Program

E. Consent Calendar (Reading; comments by the public; Council action)

- E-1 Receive Register of Claims in the amount of \$5,808,273.42 (FIN)
- E-2 Approve minutes (CLK)
- a) November 1, 2005 (Shirtsleeve Session)
 - b) November 1, 2005 (Special Meeting)
 - c) November 2, 2005 (Regular Meeting)
 - d) November 19, 2005 (Special Meeting)
 - e) November 22, 2005 (Shirtsleeve Session)
 - f) November 22, 2005 (Special Meeting)
 - g) November 30, 2005 (Special Joint Meeting w/Faith Community)
- Res. E-3 Adopt resolution approving specifications for a Compressed Natural Gas (CNG) Packaged Electric Motor Drive Compressor System for the Municipal Service Center CNG Fueling Station Expansion and authorizing the City Manager to negotiate a contract to award to GreenField Compression, Inc., as the sole supplier (not to exceed \$182,000) (PW)
- Res. E-4 Adopt resolution authorizing the City Manager to negotiate and purchase three 30-foot compressed natural gas transit vehicles off of the state contract (\$600,000) and appropriate funds (PW)
- Res. E-5 Adopt resolution awarding contract for playground improvements at Van Buskirk Park, 600 N. Pleasant Avenue, and Hale Park, 209 E. Locust Street, to Diede Construction, Inc., of Woodbridge, CA (\$128,065.64) (PR)
- E-6 Accept improvements under contract for Lane Line Painting, Various City Streets, 2005 (PW)
- E-7 Accept improvements under contract for Stockton Street Parkway Landscape Project from Tokay Street to Alley North of Locust Street (PW)
- E-8 Accept improvements under contract for Well 27 Well Drilling, 302 East Highway 12 (PW)
- Res. E-9 Adopt resolution accepting improvements in Mills Avenue Single Family Homes, Unit 2, Tract No. 3499 (PW)
- Res. E-10 Adopt resolution approving extension of lease of Maple Square, 2 East Lodi Avenue (PW)
- Res. E-11 Adopt resolution authorizing the City Manager to negotiate janitorial services contract(s) as needed for the remainder of the current fiscal year (not to exceed \$37,000) (PW)
- Res. E-12 Adopt resolution authorizing the City Manager to execute an agreement with the Lodi Conference and Visitors Bureau to promote the development of regional business, recreation, tourist, conference, and visitor activities (CM)
- E-13 Approve fee contract with Scott & Nichols for representation of officer Neis and former officer Foster in Peter Rose et al. v. the City of Lodi, et al.; United States District Court, Eastern District of California, Case No. CIV.S-05-02229 (CA)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on non-agenda items

H. Comments by the City Manager on non-agenda items

I. Public Hearings – None

J. Communications

- J-1 Claims filed against the City of Lodi – None
- J-2 Appointments
 - a) Post for vacancies on the Greater Lodi Area Youth Commission and the Lodi Planning Commission (CLK)
- J-3 Miscellaneous – None

K. Regular Calendar – None

L. Ordinances – None

M. Reorganization of the City Council

- M-1 Presentation to outgoing Mayor by City Manager King
- M-2 Reorganization of the Lodi City Council
- Res. a) Election of Mayor
- Res. b) Election of Mayor Pro Tempore

N. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Announcement of Mayor's Community Service Award Recipients

MEETING DATE: December 7, 2005

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Beckman announce the Mayor's Community Service Award recipients.

BACKGROUND INFORMATION: At the November 30 Special Joint meeting of the Lodi City Council and Faith Community, Mayor Beckman presented the 2005 Community Service Awards.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____

Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation by Dennis Lewis regarding Lodi Adopt-A-Child Christmas Program

MEETING DATE: December 7, 2005

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required.

BACKGROUND INFORMATION: Dennis Lewis, President of Lodi Adopt-A-Child, will be at the meeting to give a presentation regarding the Lodi Adopt-A-Child Christmas Program.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated November 18, 2005, in the Amount of \$5,808,273.42

MEETING DATE: December 7, 2005

PREPARED BY: Management Analyst

RECOMMENDED ACTION: That the City Council receives the attached Register of Claims. The disclosure of the PCE/TCE expenditures is shown as a separate item on the Register of Claims.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$5,808,273.42 dated 11/18/2005, which includes PCE/TCE payments of \$526,187.82.

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

James R. Krueger, Finance Director

JRK/kb

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable	Page	-	1
Council Report	Date	- 11/18/05	
As of	Fund	Name	Amount
Thursday			

11/03/05	00100	General Fund	640,329.19
	00103	Repair & Demolition Fund	4,204.00
	00123	Info Systems Replacement Fund	78.91
	00160	Electric Utility Fund	5,936.28
	00161	Utility Outlay Reserve Fund	26,217.55
	00164	Public Benefits Fund	26,398.88
	00170	Waste Water Utility Fund	6,185.97
	00172	Waste Water Capital Reserve	11,950.00
	00173	IMF Wastewater Facilities	121,000.50
	00180	Water Utility Fund	12,455.50
	00181	Water Utility-Capital Outlay	750.00
	00210	Library Fund	5,761.49
	00234	Local Law Enforce Block Grant	4,441.49
	00235	LPD-Public Safety Prog AB 1913	455.70
	00270	Employee Benefits	5,939.88
	00300	General Liabilities	6,434.20
	00310	Worker's Comp Insurance	3,275.65
	00325	Measure K Funds	347,880.88
	00326	IMF Storm Facilities	7,154.16
	00340	Comm Dev Special Rev Fund	780.91
	01211	Capital Outlay/General Fund	5,089.48
	01217	IMF Parks & Rec Facilities	9,408.16
	01250	Dial-a-Ride/Transportation	250,008.24
	01410	Expendable Trust	1,562.41

Sum			1,503,699.43
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Total for Week

Sum			1,503,699.43
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Accounts Payable	Page	-	1
Council Report	Date	- 11/18/05	
As of	Fund	Name	Amount
Thursday			
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11/10/05	00100	General Fund	720,435.84
	00123	Info Systems Replacement Fund	390.80
	00160	Electric Utility Fund	29,195.02
	00161	Utility Outlay Reserve Fund	14,474.04
	00164	Public Benefits Fund	3,544.73
	00170	Waste Water Utility Fund	13,941.99
	00172	Waste Water Capital Reserve	3,757.50
	00180	Water Utility Fund	2,322.15
	00181	Water Utility-Capital Outlay	964.15
	00210	Library Fund	3,742.49
	00234	Local Law Enforce Block Grant	7,407.47
	00270	Employee Benefits	337,898.37
	00300	General Liabilities	1,319.89
	00325	Measure K Funds	17,084.86
	00326	IMF Storm Facilities	193,279.88
	00327	IMF(Local) Streets Facilities	15,085.76-
	00340	Comm Dev Special Rev Fund	38,697.90
	00459	H U D	771.08
	01211	Capital Outlay/General Fund	444.73
	01217	IMF Parks & Rec Facilities	14,916.40
	01250	Dial-a-Ride/Transportation	17,326.14
	01410	Expendable Trust	16,643.38

Sum			1,423,473.05
	00183	Water PCE-TCE	500,048.29

Sum			500,048.29

Total for Week			
Sum			1,923,521.34

Accounts Payable	Page	-	1
Council Report	Date	- 11/18/05	
As of	Fund	Name	Amount
Thursday			

11/17/05	00100	General Fund	528,550.22
	00103	Repair & Demolition Fund	169.00
	00160	Electric Utility Fund	8,639.68
	00161	Utility Outlay Reserve Fund	749.90
	00164	Public Benefits Fund	9,167.46
	00170	Waste Water Utility Fund	71,477.65
	00171	Waste Wtr Util-Capital Outlay	1,289.01
	00172	Waste Water Capital Reserve	18,373.86
	00180	Water Utility Fund	3,187.75
	00181	Water Utility-Capital Outlay	793.64
	00184	Water PCE-TCE-Settlements	64,508.73
	00210	Library Fund	2,800.08
	00234	Local Law Enforce Block Grant	270.05
	00235	LPD-Public Safety Prog AB 1913	56.23
	00270	Employee Benefits	21,599.90
	00310	Worker's Comp Insurance	4,118.88
	00325	Measure K Funds	1,343,398.22
	00326	IMF Storm Facilities	55,831.59
	00335	State-Streets	14,652.00
	00340	Comm Dev Special Rev Fund	8,345.44
	01217	IMF Parks & Rec Facilities	17,810.35
	01250	Dial-a-Ride/Transportation	5,451.57
	01410	Expendable Trust	173,671.91

Sum			2,354,913.12
	00183	Water PCE-TCE	26,139.53

Sum			26,139.53

Total for Week			
Sum			2,381,052.65

Date - 11/18/05

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	11/06/05	00100	General Fund	929,215.15
		00160	Electric Utility Fund	144,661.57
		00164	Public Benefits Fund	5,075.09
		00170	Waste Water Utility Fund	75,808.18
		00180	Water Utility Fund	8,992.58
		00210	Library Fund	31,102.22
		00235	LPD-Public Safety Prog AB 1913	191.84
		00340	Comm Dev Special Rev Fund	36,436.30
		01250	Dial-a-Ride/Transportation	2,852.17
Pay Period Total:				
Sum				1,234,335.10



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes

- a) November 1, 2005 (Shirtsleeve Session)
- b) November 1, 2005 (Special Meeting)
- c) November 2, 2005 (Regular Meeting)
- d) November 19, 2005 (Special Meeting)
- e) November 22, 2005 (Shirtsleeve Session)
- f) November 22, 2005 (Special Meeting)
- g) November 30, 2005 (Special Joint Meeting w/Faith Community)

MEETING DATE: December 7, 2005

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council approve the following minutes as prepared:

- a) November 1, 2005 (Shirtsleeve Session)
- b) November 1, 2005 (Special Meeting)
- c) November 2, 2005 (Regular Meeting)
- d) November 19, 2005 (Special Meeting)
- e) November 22, 2005 (Shirtsleeve Session)
- f) November 22, 2005 (Special Meeting)
- g) November 30, 2005 (Special Joint Meeting w/Faith Community)

BACKGROUND INFORMATION: Attached are copies of the subject minutes, marked Exhibits A through G.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

Attachments

APPROVED: _____
Blair King, City Manager

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, NOVEMBER 1, 2005**

The November 1, 2005, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Susan J. Blackston
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, NOVEMBER 1, 2005**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of November 1, 2005, was called to order by Mayor Beckman at 7:00 a.m.

Present: Council Members – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. REGULAR CALENDAR

B-1 “Accept West Yost & Associates study for full implementation of Woodbridge Irrigation District Surface Water Supply”

Public Works Director Prima recalled that the Woodbridge Irrigation District (WID) water purchase was made nearly three years ago. Beginning in March 2006, the water can no longer be banked unless there is an extension to the contract.

Jim Yost, of West Yost & Associates, noted that Council would need to make a decision regarding whether to proceed with a recharge system, or to go forward with a surface water treatment plant. He explained that integration of groundwater and surface water is called a conjunctive use water supply system. He noted that drinking and wastewater regulations are consistently becoming more stringent. One of the primary problems being faced is the salt load in the effluent. He pointed out that it is easier to adjust a water treatment plant to comply with regulations than it is to adjust wells. In addition, if there are two different supplies, it increases the City’s ability to meet drought or other emergencies. Mr. Yost explained that, as agricultural land is converted to urban uses, the water rights that were held by the agricultural land are lost unless a way is found to make use of the water. Some communities have agreements with the irrigation districts where, as land gets annexed and urbanized, the water entitlements go to the urban area.

With the aid of an overhead presentation (filed), Mr. Yost reported that the groundwater underlying Lodi’s general plan area is estimated to be 12,000 acre feet. The groundwater basin is being over drafted by a significant amount and water levels are dropping one-third foot each year. Portions of the aquifer have contamination and several wells have treatment systems to remove the contaminants. Lodi’s water supply is currently provided from a water main grid and evenly placed well sites. To meet the demand, more wells will be needed in the future.

Mayor Pro Tempore Hitchcock asked how the City has been able to show adequate mitigation for new development if it has an insufficient supply of water.

Mr. Yost commented that recent laws have been adopted, which require cities to show how they can meet a 20-year demand before moving forward with new development.

Mr. Yost reported that the City purchased water from WID in 2002 under a 40-year term for 6,000 acre feet per year with a delivery schedule of March 1 through October 15 each year at a cost of \$1.2 million annually. The City is allowed to bank water up to 18,000 acre feet for a three-year period. There is a provision in the agreement that allows the City to purchase additional water from October 15 through April 30 at a reduced rate.

In reply to Council Member Johnson, Public Works Director Prima reported that there is a specified point in which WID gets a reduced allotment from the Mokelumne System. In those years, Lodi’s water would decrease from 6,000 acre feet to 3,000. The 3,000 acre feet can be banked and taken in a wetter year.

City Attorney Schwabauer reported that, beginning two years ago, the City has been requiring water rights agreements with new annexations.

Mr. Yost stated that the City will need to address the water demands of new development, define how much water they will need in the future, and determine how those demands will match up with the City's supply availability. Options for using the WID surface water include:

- Selling the water, as an immediate short-term solution to recoup some of the cost on an annual basis. West Yost & Associates has entered into discussions with interested buyers on a one-year sale basis. The price is dictated by the water year and water supply conditions. Presently, the price would be \$50 an acre foot or less. In a drought year, the price could be \$150 an acre foot.
- For a groundwater recharge project, the City would have to construct diversion structures off the WID system, raw water pipelines, and recharge basins. The unit cost ranges from \$90 to \$120 an acre foot additional cost to get the water into the ground. This cost is affected by land costs, percolation rate, and excavation costs. The supply would remain vulnerable to ongoing groundwater contamination issues. A potential site for recharge is south of Armstrong Road.
- Construct a water treatment plant and directly use the water. Facilities needed would include a diversion structure, a treatment plant, and distribution system improvements to get the treated water to customers. Cost estimates range from \$360 to over \$400 an acre foot. When ground and surface water is mixed there will be a variable supply quality. In addition, seasonally and geographically the water quality in the system would change. Disinfection with chlorine would be required. Some of the City's customers would be on groundwater part of the year and surface water part of the year. Costs are affected by sizing of the plant. The plant would likely be built in increments, the first of which would be the most expensive. Mr. Yost stated that the most efficient way to run a treatment plant is at a set rate year-round as a base supply and to pump off the groundwater wells to meet peaks in the summer.

In reference to the groundwater recharge option, Council Member Hansen expressed concern about loss of the water supply due to underground movement of the water further southward.

Mr. Yost believed that the proposed site would recover a large part of the water. He stated that new development is also planned for the area so if wells were placed there a large part, if not all, of the water would be extracted.

Mr. Prima explained that Lodi could not completely resolve the basin wide overdraft no matter what action it took. A recharge project would put water back into the basin that the City is drawing out of. The land at the potential recharge site is owned by the Micke Grove Trust. He reported that the City currently does not disinfect its groundwater; however, disinfection would be necessary if the City were to have a surface water treatment plant because the water would be commingled.

Mr. Yost recommended that the City begin recharging the water on an interim basis or sell some portion of it to recover part of the cost, with a long-term goal of treating the water and using it directly for supplying customers. In addition, he suggested that recycling be done by using effluent from the treatment plant for park irrigation, etc. and that the City negotiate with WID to get surface water on a year-round basis. Following a siting study for the surface water treatment plant, the environmental analysis and pre-design work would be done, and a treatment plant could be in place by early 2010. The Westside and Southwest Gateway developments are expected to have their environmental documentation and planning done by mid-2006 with design completed by 2007. If a treatment plant were in place by 2010, it would be one of the primary sources of water supply to meet their demands.

In reply to Mayor Pro Tempore Hitchcock, Mr. Prima estimated the water supply demands of the Westside and Southwest Gateway developments to be 1,400 acre feet.

Mr. Prima reported that it would cost approximately \$1 million a year to operate a water treatment plant. He presumed that initial construction of the plant would be financed by future development. He projected that water rates would have to be increased within three years if the City were to proceed with a treatment plant.

PUBLIC COMMENTS:

- Kevin Kauffman, General Manager of Stockton East Water District, explained that the Eastern Water Alliance is comprised of his Board of Directors, and managers of the North San Joaquin Water Conservation District, and the Central San Joaquin Water Conservation District. He stated that groundwater recharge has a lot of benefits in the short term. He suggested that Lodi collaborate with regional partners for a water treatment plant. He provided information related to the Farmington Groundwater Recharge Program, which was developed in cooperation with the Army Corp of Engineers and funded through the federal budget. The Corp of Engineers builds projects, conducts studies, monitors, and reports; however, the land cost, right of way issues, operating costs, and the cost of water, falls on the local sponsor (i.e. the Eastern Water Alliance). Mr. Kauffman stated that the Micke Grove site is excellent and it has been estimated that 20,000 to 30,000 acre feet of water could be put on the site annually. Studies indicate that the water does not move significantly and is found to "mound" in the short term. Locating new wells near the site would recover water that is mounding.

Mayor Pro Tempore Hitchcock asked Mr. Prima to provide an overall picture and specifics on the logistics of a recharge project, e.g. where the water is being taken out, what is being used, and what is reduced or increased elsewhere because of it.

In reply to Council Member Johnson, Mr. Kauffman reported that injection is not feasible at this time because of issues with the Central Valley Regional Water Quality Control Board and chlorination concerns.

Council Member Hansen expressed support for a water recharge project partnership on a short-term basis. If new development pays for a water treatment plant, then he felt it would be a potential long-term solution.

Mr. Prima estimated that it would cost \$8 million to \$10 million to get the City's tertiary treated wastewater from White Slough to the City for recycling purposes, e.g. landscape irrigation, toilet flushing, etc. He commented, however, that new development might pay for such a project. Staff anticipates a decrease in water consumption due to conservation once water metering is instituted. He noted that one option being considered was to build a non-potable water supply system that would take water out of the WID canal and irrigate some of the parks and basins in close proximity to the canal. He stated that a pilot water recharge project could be done on a small scale in 2006.

- Ed Steffani, General Manager of North San Joaquin County Water Conservation District, expressed enthusiasm for a water recharge project at the Micke Grove Trust area. He stated that it could be a local project if expediency were desired, rather than working with the Corp of Engineers.

Council Member Mounce expressed concern about Lodi's poor financial condition at this time and the limitations it causes when considering additional projects. She was opposed to moving forward without having an updated General Plan that identifies how a water treatment plant would be built.

In answer to Mayor Pro Tempore Hitchcock, Mr. Prima reported that the depth to groundwater in Lodi is at 50 feet. City wells are at 100 to 500 feet. Salinity is found at 800 to 1,000 feet.

- Dave Peterson, engineer with West Yost & Associates, stated that the recharge project as previously described would, in essence, create an underwater dam, which would bring the water levels under Lodi up and help the City reduce some of its well pumping costs, thus better stabilizing the groundwater basin under Lodi.

Mr. Prima reported that staff would return to Council at a regularly scheduled meeting in January to present a more specific plan and answer questions raised today. At that time, a formal response from WID will be available regarding extension of the contract.

Council Member Johnson stated that he needed more specific cost information on the options before he could make a decision.

Mayor Beckman favored a water recharge project and selling any WID water that cannot be banked.

Mayor Pro Tempore Hitchcock stated that she leaned toward the groundwater recharge option, so that the City's water would not have to be chlorinated.

C. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:47 a.m.

ATTEST:

Susan J. Blackston
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 2, 2005**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of November 2, 2005, was called to order by Mayor Beckman at 5:55 p.m.

Present: Council Members – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Conference with Blair King (Acting Labor Negotiator) regarding International Brotherhood of Electrical Workers and Lodi Police Officers Association, pursuant to Government Code §54957.6
- b) Actual litigation: Government Code §54956.9(a); one case; *People of the State of California; and the City of Lodi, California v. M & P Investments, et al.*; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- c) Actual litigation: Government Code §54956.9(a); one case; *Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al.*, Superior Court, County of San Francisco, Case No. 323658
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual litigation: Government Code §54956.9(a); one case; *Fireman's Fund Insurance Company v. City of Lodi, et al.*, United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- f) Actual litigation: Government Code §54956.9(a); one case; *City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al.*, San Joaquin County Superior Court, Case No. CV025569

C-3 ADJOURN TO CLOSED SESSION

At 5:55 p.m., Mayor Beckman adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:50 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:02 p.m., Mayor Beckman reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions:

In regard to Item G2 (a), on a vote of 3-2 with Council Member Johnson and Mayor Pro Tempore Hitchcock dissenting, Council approved an amendment to the list of survey cities for the purpose of determining police officer salaries to include: Fairfield, Vacaville, Tracy, Roseville, Manteca, Modesto, Turlock, Galt, and Ripon.

In regard to Items C-2 (b), (c), (d), (e), and (f), no reportable action was taken in closed session.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of November 2, 2005, was called to order by Mayor Beckman at 7:02 p.m.

Present: Council Members – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Chaplain Barbara Taylor, Lodi Police Chaplain.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Beckman.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations – None

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Mounce, Beckman second, unanimously approved the following items hereinafter set forth:

E-1 Claims were approved in the amount of \$3,434,418.06.

E-2 The minutes of September 27, 2005 (Shirtsleeve Session), September 27, 2005 (Special Meeting), October 4, 2005 (Shirtsleeve Session), October 18, 2005 (Shirtsleeve Session), and October 25, 2005 (Special Shirtsleeve Session) were approved as written.

E-3 Adopted Resolution No. 2005-226 awarding two-year contract for Elevator Services for City Facilities to Elevator Technologies, Inc., of El Dorado Hills, CA, in the amount of \$19,975, and authorized extension of the contract up to two years.

E-4 Accepted improvements under the "Hale Park Playground Improvements, 209 E. Locust Street" contract.

E-5 Adopted Resolution No. 2005-227 accepting the development improvements at 1020 South Beckman Road.

E-6 Adopted Resolution No. 2005-228 accepting the development improvements at 1349 East Kettleman Lane.

E-7 Accepted improvements under the "Construction of the Lodi Unified School District Compressed Natural Gas and Fueling Station" contract and authorized an additional Change Order.

E-8 Adopted Resolution No. 2005-229 authorizing the City Manager to execute a professional services agreement with T. Mitchell Engineers & Associates for facility upgrades for Fleet Services shop and compressed natural gas fueling station expansion at the Municipal Service Center in the amount of \$15,400.

E-9 Adopted Resolution No. 2005-230 adopting the 2005-06 Federal Program of Transit Projects Lodi Urbanized Area.

E-10 Adopted Resolution No. 2005-231 amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fee.

- E-11 Authorized the City Attorney to execute a letter in support of the petition for Supreme Court review in the case of Macpherson v. City of Hermosa Beach, Case No. B174240 on behalf of the City of Lodi.
 - E-12 Set public hearing for November 16, 2005, to consider an appeal of the Planning Commission's decision to deny the request of Kirk Smith on behalf of Velvet Grill for a Use Permit (U-05-011) to allow a Type 41 Alcoholic Beverage Control license for on-sale beer and wine with a restaurant at 1421 South Ham Lane, Suite A.
-

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Bill Crow commented that the article in the Lodi News-Sentinel regarding the Mayor's State of the City Address made it appear as though the City was in very good condition; however, it is contrary to what one hears during City Council meetings. Mr. Crow expressed concern about Lodi businesses, particularly those that will be significantly affected by increasing electric rates.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hansen reported that on October 27 the San Joaquin Council of Governments (SJCOG) voted unanimously to add one additional member for Stockton and one additional member for the County. The governance group will now consist of 12 members, rather than 10. He congratulated the Lodi City Swim Club and the 85 swimmers who participated in the Pumpkin Swim Meet a few weeks ago. Phillips Farms and A&W Rootbeer contributed to the event. Mr. Hansen stated that he and City Manager King attended a workshop in San Francisco last week on the topic of governing electric utilities in a changing marketplace. He recalled that, when first contacted by a reporter regarding his opinion on whether Lodi's Electric Utility should be sold, he felt that all options should be considered. Since that time, he has thoroughly researched and considered the matter and is now adamantly opposed to selling the Electric Utility. He read the following statement from the minutes of February 14, 1910, "Whereas, the said Board of Trustees, after long and thorough investigation and consideration, that it will be for the best interest of the City of Lodi and its inhabitants..." to acquire the Cary Brothers Water and Light Plant (now Lodi Electric Utility). Mr. Hansen noted that Lodi has benefited for nearly 100 years by owning the Utility. He referenced a memorandum distributed today from Finance Director Krueger outlining benefits of the Electric Utility to the City (filed). Mr. Hansen acknowledged that the Utility was going through a difficult financial period; however, he believed it would be a mistake to even consider selling it. Further, he suggested that if an invitation were extended to discuss selling the Utility, the City should respectfully decline.

City Attorney Schwabauer interjected that the discussion was becoming substantive and would likely elicit a response from other Council Members. The topic of whether or not to sell the Electric Utility should be agendaized if further discussion and debate is to proceed. He explained that Item "G" is an opportunity for Council to make announcements, briefly report on a topic, or ask staff to look into a matter.

City Manager King agreed that pursuant to the Brown Act, the Electric Utility topic should be agendaized before debate ensues.

- Mayor Pro Tempore Hitchcock asked the City Attorney to provide additional information from a legal standpoint regarding limits and parameters of Council comments. She expressed disappointment regarding the SJCOG vote to change the size of its governance body. She asked that when the matter comes to Council for ratification, that it be placed on the regular calendar for discussion.

Mr. Schwabauer explained that "Comments by Council Members on Non-Agenda Items" are regulated by the same provisions that regulate the ability of citizens to speak on non-agenda items. Council members, as policy makers, do not have the ability to inject a topic into the agenda that is going to be debated.

Mayor Pro Tempore Hitchcock requested to be provided with any research or opinions that have been made on the subject.

- Council Member Mounce stated that she attended the November 1 meeting of the Lodi Improvement Committee, which is working on alley cleanup, Hale Park upgrades, and general community improvement. She thanked the Committee for its work and encouraged citizens to attend the meetings. Ms. Mounce expressed agreement with Mr. Hansen's opinion regarding the Electric Utility.
- Council Member Johnson also expressed opposition to the vote to increase the number of Stockton and County governance representatives on SJCOG.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

None.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Beckman called for the public hearing to consider the Planning Commission's recommendation of approval of the request of John Costamagna for a Negative Declaration ND-05-04 and rezone from R-2, Residential Single Family, to PD(37), Planned Development Number 37, for Luca Place, a 17-lot, low-density, single-family residential subdivision located at 1380 Westgate Drive.

Community Development Director Hatch reported that this matter was considered by the Planning Commission on September 28 as part of a larger project to approve the rezone, environmental documentation, and tentative map that would create 17 parcels, 12 half-plex units, and 5 single-family homes. He explained that the rezoning was necessary because it is utilizing some flexibility that is allowed in the PD zone, but not in the single-family zone, i.e. having zero lot line homes as part of the half-plex and no set back on the common property line. It would also allow a lot size smaller than the required minimum (5,000 square feet in a standard R-2 zoning district). Mr. Hatch noted that the Planning Commission approved the vesting tentative map conditioned upon Council's approval of the overlying rezoning.

In reply to Mayor Pro Tempore Hitchcock, Mr. Hatch explained that, in the approval of the tentative map the Planning Commission granted, it had a condition that the configuration of the cul-de-sac would go back to staff and planning/engineering would work with the applicant to try to reduce the amount of paving to allow additional parking within the proposal. Staff is currently working with the applicant regarding this matter.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Beckman second, unanimously approved the request of John Costamagna and took the following actions:

- Adopted Resolution No. 2005-232 adopting the Negative Declaration (ND-05-04) as adequate environmental documentation for the rezone of property located at 1380 Westgate Drive (APN 027-420-09); and
- Introduced Ordinance No. 1766 amending the Official District Map of the City of Lodi and thereby rezoning 1380 Westgate Drive (APN 027-420-09) from R-2, Residential Single Family, to PD(37), Planned Development Number 37, for Luca Place.

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Mayor Pro Tempore Hitchcock, Mounce second, unanimously made the following appointment:

Lodi Animal Shelter Task Force

Hazel Jackson Unspecified term limit

- b) The City Council, on motion of Mayor Pro Tempore Hitchcock, Beckman second, unanimously directed the City Clerk to post for the following expiring terms:

Lodi Senior Citizens Commission

Winona Ellwein Term to expire December 31, 2005

Phyllis Rabusin Term to expire December 31, 2005

San Joaquin County Mosquito & Vector Control District

Jack Fiori Term to expire December 31, 2005

Site Plan and Architectural Review Committee

Mitchell Slater January 1, 2006

J-3 Miscellaneous – None

K. REGULAR CALENDAR

K-1 “Adopt resolution approving the Americans with Disabilities Act Transition Plan and formulate a method to seek broad input for the purpose of obtaining community consensus regarding future use and improvements for the Grape Bowl”

Jerry Herzick, Building Official, recalled that this matter was reviewed at the October 4 Shirtsleeve Session. He stated that the Americans with Disabilities Act (ADA) requires public agencies to perform a self-evaluation of barriers to be removed and to develop a Transition Plan. He reported that the City's initial ADA Committee completed the self-evaluation of barriers in 1992; however, a Transition Plan was never approved by Council. He reviewed the proposed Transition Plan (filed) and relevant laws affecting it. Appendix one of the Plan lists the barriers that have been corrected. There were 45 projects and 400 curb ramps at a cost of \$7 million. Mr. Herzick reviewed projects that were scheduled to be completed in 2005 and those that would require more than a year to complete, as were outlined in the Plan.

PUBLIC COMMENTS:

- Barbara Flockhart felt that \$4 million was a high amount for renovating the Grape Bowl. She suggested making disabled parking on the Calaveras Street side, taking out the first two rows of bleachers, and constructing a cement ramp for seating in the front row.

Mr. Herzick reported that in 2002 consulting firm ELS Architecture and Urban Design prepared a report on making the Grape Bowl ADA compliant. One option was to have an entry plaza on the southwest corner (current cost estimate is \$3.8 million). Another option was to have new entries at the north and south berms (current cost estimate is \$4.3 million). Mr. Herzick stated that the playing field needs surface improvements and drainage, and some of the bleachers and stairs are damaged. The ramps are too steep and there is a lack of handrails and landings. Restrooms, concessions, and field houses are dilapidated and not accessible. He emphasized that staff's primary concern is the lack of an accessible path of travel and safety exit way. It is not financially feasible to use modular units for concessions and restrooms due to the cost of correcting the severe slope on the eastside of the Grape Bowl and connecting water, sewer, and electricity. Staff recommends a three-phase approach to the Grape Bowl, with phase one beginning immediately:

Phase 1 – Explore the opportunities, constraints, and costs associated with upgrading the Grape Bowl. Encourage public input and community involvement in the decision process. The scope of the project should not be limited to only accessibility, but improvement based on the desired use. Interim remediation measures should be discussed in this phase. The recommended forum for these discussions is the Parks and Recreation Commission. A special ad hoc committee shall be formed to obtain community input regarding future use and improvements under the direction of the Parks and Recreation Commission. The commission shall invite representatives from Lodi Unified School District and other school-affiliated organizations to be participating members of the ad hoc committee. All committee appointees will be subject to Council approval. The Commission will make a recommendation to the Council. This phase should be completed by June of 2006.

Discussion ensued regarding formation of a Grape Bowl Ad Hoc Committee.

- Ken Sasaki, Parks and Recreation Commissioner, confirmed that the Commission would like to take the lead roll in the Ad Hoc Committee and facilitating public input regarding the Grape Bowl.

In answer to Council Member Johnson, City Attorney Schwabauer explained that any committee assigned the task of making a recommendation that would involve the expenditure of money would be required to file a Statement of Economic Interest form.

Parks and Recreation Director Goehring noted that, in addition to the Ad Hoc Committee, public workshops would also be held.

City Manager King mentioned that, yesterday, former Parks and Recreation Director Ed DeBenedetti commented to him that he believed this was a worthy project to resolve a long-standing issue.

MOTION #1 / VOTE:

The City Council, on motion of Mayor Beckman, Johnson second, unanimously adopted Resolution No. 2005-233 approving the Americans with Disabilities Act Transition Plan as presented with the exclusion of the section related to the Grape Bowl.

MOTION #2 / VOTE:

The City Council, on motion of Council Member Johnson, Hitchcock second, adopted Resolution No. 2005-234 authorizing the Parks and Recreation Commission to formulate a Grape Bowl Ad Hoc Committee comprised of a broad cross section of the community and to bring membership recommendations to the City Council for approval *(as outlined in Phase 1 of the Grape Bowl Section, page 7, of the ADA Transition Plan)* and that, during the interim, uses of the Grape Bowl shall not be expanded beyond the current schedule of events and organizers of these events shall be advised of their responsibility to provide assistance for persons with disabilities as reasonably appropriate for the planned activity. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Johnson, and Mayor Beckman

Noes: Council Members – Mounce

Absent: Council Members – None

K-2 “Adopt resolution approving the Impact Mitigation Fee Program Annual Report for Fiscal Year 2004-05”

Wally Sandelin, City Engineer, reported that the following projects were constructed using the Impact Mitigation Fee Program:

- Expanded restroom and locker facilities at the Municipal Service Center;
- Constructed major storm drain trunk lines through the Century Meadow project;
- Widened Harney Lane and constructed a new crossing of the Woodbridge Irrigation District canal; and
- Widened Stockton Street.

Mr. Sandelin explained that there were several loans between internal and external funds. The Fire Fund made a loan payment to the Water Fund in the amount of \$171,590 and a lease payment on the ladder truck in the amount of \$110,183. The Regional Street Fund made a loan payment to the Parks Fund in the amount of \$40,000 and to the San Joaquin Council of Governments in the amount of \$96,106.

In answer to Mayor Pro Tempore Hitchcock, Mr. Sandelin reported that the current loan amount from the Water Fund to build Fire Station 4 is \$1,225,172. He explained that once the lease payment was made on the ladder truck, all the residual funds and interest in the Fire Fund account was paid against the Water Fund. Funds generated through payment of fees are used to pay off the principle on the loan to Fire Station 4. He noted that Fire Station 4 was the last fire station according to the master planning done when the current fee program was adopted.

Mayor Pro Tempore Hitchcock noted that impact fees are a huge revenue source to the City and when maximum development was occurring, the City did not take advantage of it by collecting fees for actual costs. She stated that when land was selling for \$300,000 an acre, the City was collecting fees for \$150,000 an acre.

Mr. Prima believed that much of the problem with the Impact Mitigation Fee Program is that the City has gone a long way through the General Plan without adding any additional land and now there are two large projects that will nearly fill the remaining area. He acknowledged that the General Plan and Impact Mitigation Fee Program in its entirety needs to be updated.

Mayor Pro Tempore Hitchcock recalled when the Impact Mitigation Fee Program was initially set up, \$1 million was borrowed to "jump start" it. At the conclusion of the Program, there should be \$1 million remaining. She stated that the land presently referred to as "residential reserve" is not in the General Plan for development at this time and was not included in the policies that were in the General Plan that aligned with the Impact Mitigation Fee Program. She noted that projects listed in the fee study should have been paid for within the life of the program; however, adequate funds have not been available.

Council Member Johnson asked staff for clarification regarding whether proposed Fire Station 5 would be built in the southeast or southwest area of the City.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Hitchcock, Beckman second, unanimously adopted Resolution No. 2005-235 approving the Impact Mitigation Fee Program Annual Report for Fiscal Year 2004-05.

- K-3 "Adopt resolution approving the policy and procedure guidelines for naming of parks, recreation facilities, and park features"

Parks and Recreation Director Goehring stated that the draft policy for naming of parks, etc. has been used since 1990; however, it has never been adopted by Council. The Parks and Recreation Commission unanimously approved the policy on June 7, 2005.

Council Member Hansen preferred that Council be given more than one option when nominations come forward for approval.

Council Member Johnson stated that he has received comments from others that it is inappropriate to name a park for a City employee, as they are compensated for their efforts. He suggested that when recommendations for naming parks and facilities come before Council, that priority be given to private citizens who volunteer their time.

Mayor Pro Tempore Hitchcock preferred to accept staff's recommendation as presented.

Council Member Mounce concurred with Mr. Johnson's position on the matter.

Council Member Hansen stated that he has witnessed a high level of commitment, dedication, and love for the community demonstrated by certain City employees that extends well beyond what they are compensated for. He was adamantly opposed to a policy that would not allow the City to recognize decades of service by City employees who devote hours far above what their duties require.

PUBLIC COMMENTS:

- Tom Sanchez pointed out that City employees are also citizens of the community who volunteer their time and should not be excluded from consideration in the policy.
- Ed Beswick implored Council not to take away the opportunity for individuals to be recognized in this way who dedicate their lives working for the City, merely because they received compensation. He noted that some City employees devote tremendous amounts of time above and beyond the call of duty and cited former Parks and Recreation Director Ed DeBenedetti as an example.
- Baubie Fox, Parks and Recreation Commissioner, asked that Council not rule out anyone from being a nominee. She felt there should be no limitations set in the policy and that the Commission be allowed to consider what the public submits.

MOTION #1

Mayor Pro Tempore Hitchcock made a motion to adopt a resolution approving the policy and procedure guidelines for naming of parks, recreation facilities, and park features, as presented by staff. The motion **died** for lack of a second.

Mayor Beckman preferred that Council be presented with more than one name to consider when the matter comes before it for approval.

MOTION #2 / VOTE:

The City Council, on motion of Council Member Johnson, Mounce second, adopted Resolution No. 2005-236 approving the policy and procedure guidelines for naming of parks, recreation facilities, and park features with amendments to 1) allow the Parks and Recreation Commission an opportunity to submit multiple nominees to the City Council for consideration and that 2) priority be given to private citizens. The motion carried by the following vote:

Ayes: Council Members – Hansen, Johnson, and Mounce

Noes: Council Members – Hitchcock and Mayor Beckman

Absent: Council Members – None

RECESS

At 9:05 p.m., Mayor Beckman called for a recess, and the City Council meeting reconvened at 9:15 p.m.

K. REGULAR CALENDAR (Continued)

- K-4 "Adopt resolution establishing procedures for the consideration of pre-annexation and development agreements"

City Manager King reported that several developments are planned that may be subjects of development agreements. The resolution before Council would put policies in place that would allow the City to enter into negotiations in the future if Council so directed.

City Attorney Schwabauer explained that development agreements are governed by Government Code 65865 b), which requires cities to adopt policies to consider development agreements if they are requested. Development agreements are a written contract between a developer and the City that, in many cases, replace the traditional development standards that are used to govern project approval. A developer does not have a vested right to develop according to a set group of standards, fees, conditions, and zoning until such time as they actually begin development. A development agreement guarantees what the developer's standards are going to be. The primary benefit to the City is that it can, through negotiation, achieve greater benefits than it could exact through traditional development processes. Development agreements can be negotiated before the property is annexed into the City; however, it becomes effective only if the property is actually annexed. The policy before Council requires the City Attorney to review proposed agreements and confirm that they comply with the City's needs and requirements. Development agreements also require: 1) the Community Development Director to consider and report on the agreement and make a recommendation to the Planning Commission, 2) the Planning Commission to review the development agreement and make a recommendation to Council, and 3) the Council to consider the development agreement and make a final decision regarding approval at a noticed public hearing. Development agreements must be reviewed annually and revised or abandoned as appropriate. The cost of processing the development agreement is paid by the developer. There is a \$5,000 initial deposit that can be increased or decreased depending upon the complexity of the project.

In reply to questions posed by Mayor Pro Tempore Hitchcock, Mr. Schwabauer reiterated that the policy has language which requires the City's benefits to be above and beyond that which could be exacted through the normal development process. He clarified that the policy outlines how development agreements will be processed; it does not require the Council to approve a development agreement.

City Manager King stated that development agreements imply a quid pro quo and stated that both parties receive benefits by the arrangement. Developers want greater assurance and help to perfect a vesting right. Staff anticipates that, due to the size and magnitude of the Frontier Community Builders project, they will eventually ask for a development agreement.

Community Development Director Hatch commented that, in the last two cities he has served as director, he heavily used development agreements and felt that they were a beneficial tool for cities.

MOTION:

Council Member Hansen made a motion, Beckman second, to adopt Resolution No. 2005-237 establishing procedures for the consideration of pre-annexation and development agreements.

DISCUSSION:

In answer to Council, Mr. Hatch replied that one developer cannot take all the allocations, as there is a maximum percentage.

Mayor Pro Tempore Hitchcock asked what would happen if a developer wanted a development agreement for a future residential reserve that was not yet part of the City's General Plan, to which Mr. Hatch replied that is what "pre-annexation development agreements" contemplate.

Discussion ensued regarding whether property south of Harney, referred to as planned residential reserve, is or is not included in Lodi's General Plan. Council asked staff to provide clarification on the matter.

PUBLIC COMMENTS:

- Barbara Flockhart believed that a fifth fire station would be needed in the southwest area, due to the large developments that have been proposed. She felt that the developer should pay for the fire station and a neighborhood park for that area. She noted that new developments often have very narrow streets and questioned how fire trucks could maneuver in such limited spaces.

Council Member Mounce suggested that eastside reinvestment be considered, where large developers are required to develop certain empty lots on the east side as part of their project.

VOTE:

The above motion carried by a unanimous vote.

- K-5 "Approve expenses incurred by outside counsel relative to the Wal-Mart Supercenter Store litigation and miscellaneous general counsel advice (\$2,433.51) and approve Special Allocation covering these expenses"

City Attorney Schwabauer reviewed invoices from outside counsel as outlined in the staff report for this item (filed).

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Hitchcock, Mounce second, unanimously approved the expenses incurred by outside counsel relative to the Wal-Mart Supercenter Store litigation and miscellaneous general counsel advice in the amount of \$2,433.51 and approved Special Allocation covering these expenses, as detailed below:

Kronick, Moskovitz, Tiedemann & Girard

Matter No.	Invoice No.	Date	Description	Total Amount	Distribution 100351.7323
11233.001	221874	09/25/05	General advice	257.45	257.45
11233.026	221874	09/25/05	Lodi First v. City of Lodi	592.26	592.26
11233.027	221874	09/25/05	Citizens for Open Govt. v. City of Lodi	1,583.80	1,583.80
				2,433.51	2,433.51

L. ORDINANCES

- L-1a Following reading of the title of Ordinance No. 1765 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Sections 13.20.175 (D)-(1), (5), and (6) Relating to Market Cost Adjustment Billing Factor; and Further Repealing Section 13.20.185 in its Entirety Relating to Preexisting Electric Rates," having been introduced at a regular meeting of the Lodi City Council held October 19, 2005, the City Council, on motion of Council Member Johnson, Hitchcock second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Johnson, and Mayor Beckman
Noes: Council Members – Mounce
Absent: Council Members – None
Abstain: Council Members – None

- L-1b "Adopt resolution establishing Market Cost Adjustment(s) for electric utility rates to be effective December 2, 2005"

Interim Electric Utility Director Dockham reported that power costs have increased by 29% over the last year. The Electric Utility has been operating in a deficit condition since 2003. Expenses this year will exceed revenues by \$9.2 million. Electric fund balances, i.e. a savings account available for operations, will be eliminated if a Market Cost Adjustment (MCA) is not implemented this year. Any delay in implementation of a MCA would result in a 1.2% greater rate increase to customers and equates to \$800,000 in losses each month. At the October 19 City Council meeting, staff was directed to eliminate any rate decreases and to reduce increases to industrial customers by 50% of what was proposed. Based on that direction there is a \$1.5 million shortfall.

Mayor Pro Tempore Hitchcock was opposed to continuing large subsidies to industrial customers on a long-term basis and felt that 28% to 30% was a reasonable discount amount to offer.

Mr. Dockham stated that, in general, cost of service is the basis for setting electric rates.

Council Member Hansen stated that the City needs to find a way to determine the value of job retention. He reported that some cities have requirements on industrial customers where they must refund incentives if they relocate. He felt that electric rate discounts should be tied directly to retaining jobs for Lodi residents.

Council Member Mounce suggested that there be an enterprise zone where credits (toward a rate discount) are given to industrial customers based on how many Lodi citizens they employ.

Mr. Dockham stated that staff now proposes that the customers who (in the October 19 proposal) were not going to receive any rate increase, now be imposed a rate increase of at least 10% on a short-term basis so that \$500,000 can be captured toward the \$1.5 million shortfall and that the remaining \$1 million be made up through City sources.

City Manager King was uncertain where the \$1 million would come from; however, a recommendation would be brought forward at the time of the mid-year budget process. He stated that for the remainder of this fiscal year, no additional rate increases are anticipated for industrial customers. Council will be asked to adopt a resolution establishing Market Cost Adjustments at its next regularly scheduled meeting, which would reflect Council's direction on October 19, as well as the proposal recommended tonight.

Mayor Pro Tempore Hitchcock felt that the remaining \$1 million shortfall should come from Electric Utility's budget, as that is the area where rates do not cover the cost of service.

PUBLIC COMMENTS:

- Bill Crow commented that ratepayers have to subsidize businesses so that Lodi's economy can grow.

MOTION / VOTE:

There was no action taken by the Council on this matter.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:15 p.m.

ATTEST:

Susan J. Blackston
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
SATURDAY, NOVEMBER 19, 2005**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of November 19, 2005, was called to order by Mayor Beckman at 8:08 a.m.

Present: Council Members – Hansen (arrived at 8:33 a.m.), Hitchcock, Johnson, and Mayor Beckman

Absent: Council Members – Mounce

Also Present: City Manager King (arrived at 8:30 a.m.), City Attorney Schwabauer (arrived at 8:20 a.m.), and City Clerk Blackston

B. REGULAR CALENDAR

B-1 “Training session presented by LSA Associates regarding General Plan processes and the California Environmental Quality Act”

Colette Meunier, of the firm LSA Associates, Inc., presented a general overview of processes related to planning, zoning, city general plans, and the California Environmental Quality Act. A question and answer period followed each topic for educational and clarification purposes.

Mayor Pro Tempore Hitchcock asked City Attorney Schwabauer to provide Council with a copy of the current, Local Agency Formation Commission approved, sphere of influence for the City of Lodi.

C. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 12:50 p.m.

ATTEST:

Susan J. Blackston
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, NOVEMBER 22, 2005**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, November 22, 2005, commencing at 7:02 a.m.

A. ROLL CALL

Present: Council Members – Hansen, Hitchcock, Johnson, and Mayor Beckman
Absent: Council Members – Mounce
Also Present: City Manager King, City Attorney Schwabauer, and Deputy City Clerk Perrin

B. TOPIC(S)

B-1 "Utilities Quarterly Update"

Finance Director Krueger briefly reviewed the financial condition of the three utilities, i.e. electric, water, and wastewater, for the period of 2003 to 2005 (filed).

In response to Council Member Hansen, Mr. Krueger explained that the larger the ratio number, the better. The ratio is the relationship between the current assets (i.e. resources that can be used within a short period of time) and current liabilities. Mr. Krueger stated that the City does not have a goal or objective in terms of what the ratio should be.

City Manager King reminded Council that Mr. Krueger previously presented a comparison of ratios from a random selection of Northern California Power Agency members, and Lodi Electric was the furthest behind. A standard of comparison is only meaningful if there is a standard against which to measure, such as a risk management policy where the City would assess its risk and aid in the condition of the Utility.

Mr. Krueger added that there needs to be a regular review and comparison of how the City is doing on a plan basis against the actual results of performance. For example, if the strategy is to buy energy on the spot market because of the volatility and price, a higher current ratio would be necessary to effectuate that policy. On the other hand, if the risk policy establishes longer-term purchases, there is less of a need for a high current ratio. There are three factors that go into basic analysis of financial condition: quality, quantity of the service being provided, and the price at which it is being provided. The derivative of this analysis is that, if the City is paying more for energy than what it is charging the customers, the factor results in the current ratio going down over time. When the City borrows money, the objective should be that it use the proceeds to either buy assets that afford it the opportunity to provide more (or better quality) service or to provide services at less of a cost. The bottom line ratio is the debt to equity ratio, and a higher ratio indicates that a lot of money was borrowed without the return.

Mayor Pro Tempore Hitchcock questioned why the water fund debt went from \$25 million in 2004 to \$5 million in 2005, to which Mr. Krueger responded that when the case with Lehman Brothers was settled, it reduced the outstanding debt, thereby improving the debt equity ratio in the water fund. The increase from 2003 to 2004 in the wastewater fund was for a large debt issuance done at the end of 2004.

City Manager King stated that quarterly reports are common among electric utilities and he pointed to the Palo Alto report in the Council's packet (filed) as one example. There is an extensive process that utilities go through, which involves Council and staff.

Council Member Hansen expressed his opinion that he would like to see more of a graphic presentation to demonstrate at a glance what the standard and the measurements are, after which the numbers could be analyzed in more detail.

Mayor Pro Tempore Hitchcock countered that she is more interested in seeing the numbers, as it better shows the entire picture. Additionally, she would like to see a longer period of comparison, not just three years.

Manager of Electric Services, Mel Grandi, stated that staff is exploring methods of reporting and is continuing to work on the risk policy. Additionally, staff is developing a five-year capital improvement spending plan; most, if not all, of which will come from bond proceeds. During the development of this plan, attention will be given to major projects that are valuable and that generate revenue or additional reliability to the City on a long-term basis. Because of the geyser unit going off-line, the City has a net open position for the month of December. Currently, the cash value is approximately \$1.2 million through the end of June. The City's target is a 95% level, and it is in good condition at 93%. The net open position for 2006-07 has not been purchased. Staff is researching various alternatives for generation resources and pricing opportunities and will return to Council with options in the next few months. Risk management plans in other utilities have typically taken two to three years to fully develop.

Mayor Pro Tempore Hitchcock cautioned that the risk management plan not be so technical that it is difficult to understand and she hoped that once it is prepared staff would give a detailed presentation that would thoroughly explain the plan.

City Manager King stated that there are some straightforward elements of a risk management plan, such as not vesting the authority to make power purchase decisions with one individual, describing a check and balance system, and not putting at risk any money beyond the ability of the utility to absorb a loss. Some risk management plans establish proportion percentages on how much power to buy on the open market versus ownership capacity and some create an internal risk management committee, which reviews, independent of the Council, the financial condition of the utility.

Council Member Johnson questioned what the City's goal is to adequately control its exposure and to leverage the benefits between now and the time it takes to create a comprehensive risk management plan. He suggested that plans from other cities be used in helping to design Lodi's plan.

Public Works Director Prima reported that the 2004-05 wastewater operating budget was \$4 million and it came in at \$3.6 million. With the exception of sanitary system maintenance, which was very close, all accounts were under budget. The capital side is different in that it accounted for PCE/TCE for the first time in the amount of \$800,000. It has been an issue for the last few years of trying to fund the PCE/TCE battle without accounting for it in the budget. The budget ultimately came in at \$1.9 million, which was managed by offsetting on the capital side and deferring projects. The water operating budget was \$4 million and it came in at approximately \$3.4 million. With the exception of distribution system maintenance, which was slightly over budget, everything was quite a bit below. On the capital side, more money was spent on PCE/TCE than was budgeted, which was due mainly to legal expenses.

There are currently seven vacancies in the water and wastewater utilities:

- Water/Wastewater Superintendent, which may be filled next June.
- Water Conservation Coordinator, which has been vacant for quite a few years. The work is spread among other staff, as well as using part-time assistance, to keep the program functioning.
- Senior Plant & Equipment Mechanic, which may change to a supervisor position in order to flatten the organization.
- Two plant operators and a maintenance worker at the wastewater plant, which has been a challenge to the department as operators in the wastewater industry are getting more difficult to find and keep.
- Management Analyst, which was budgeted for four years on a contract basis. It is anticipated that this position will eventually be converted into full-time.

Other water and wastewater needs include:

- Engineering positions budgeted in water and wastewater that typically work at City Hall are working at the Municipal Service Center with the operations staff.
- Environmental compliance is an area that will receive more pressure from the state in the way of educational programs.
- State certifications are constantly increasing and staff expects to see additional requirements for sewer workers and collection system maintenance workers.
- Regional water supply activities.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 7:55 a.m.

ATTEST:

Jennifer M. Perrin
Deputy City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, NOVEMBER 22, 2005**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of November 22, 2005, was called to order by Mayor Beckman at 7:55 a.m.

Present: Council Members – Hansen, Hitchcock, Johnson, and Mayor Beckman

Absent: Council Members – Mounce

Also Present: City Manager King, City Attorney Schwabauer, and Deputy City Clerk Perrin

B. REGULAR CALENDAR

B-1 “Review proposed wastewater capacity fee, provide direction, and set public hearing for January 4, 2006, to consider adoption of the fee”

Public Works Director Prima reported that there are currently two development fees related to wastewater: 1) in the impact fee program, there is a small fee related to expansion of facilities, primarily the wastewater share of the corporation yard, and 2) a sewer fee tied to new development based on debt service costs for work at White Slough. Staff is recommending updating and combining the two fees into one capacity fee.

Mr. Prima reviewed Table 1 (filed) of the fee calculations, prepared by the City’s consultant, that combines the debt service costs from the 1991 Certificate of Participation (COP) (which was a refinance of the 1988 COP), the 2003 and 2004 COPs, as well as the anticipated 2006 COP needed for the next phase, and interest. Components of the work that were either done or contemplated to be done relating to the financing were then allocated, which amounted to a net cost to be applied to new development (\$5,115 per two-bedroom home).

Council Member Johnson questioned if the benchmark should instead be a three-bedroom home, as not many two-bedroom homes are being built today, to which Mr. Prima responded that the fee is incremented (i.e. 25% higher for a three-bedroom home, another 20% higher for a four-bedroom home, etc.). The numbers would not change if the calculations were refigured based on a three-bedroom home.

Mr. Prima reported that there is a category of high-strength users, which include General Mills, Miller Packing, and Cottage Bakery, where either the flow or the strength of the wastewater is very high. In this update, the flow component increased quite a bit compared to the components for Biochemical Oxygen Demand (BOD) and suspended solids. The reason for that is the new tertiary, flow-based treatment process, which includes filters that treat the wastewater through a primary and secondary process where most of the BOD and suspended solids are removed. Staff is proposing to adjust the high-strength monthly service charge for flow, BOD, and suspended solids per million gallons on an annual basis. For all of the current users, this would result in a decrease.

Staff extracted data from a survey that the San Joaquin Partnership prepared on sewer fees. The city of Lathrop was removed from the table because it built a new tertiary plant that was entirely financed by developers and was not included in its fee structure. Therefore, the lowest city was Modesto, but it is operating with a secondary plant, which was a debt service cost from its expansion decades ago. It intends to make major increases in its fees. The average fee is \$6,900, which would make Lodi’s proposed fee, compared to a three-bedroom home, within the realm of what others are charging.

Council Member Johnson suggested removing the cities of Dublin, Livermore, and Pleasanton and recalculating the averages as the figures are not representative.

Mr. Prima reported that staff did not include public art in the calculation, but he believed that it should be identified either separately or as a surcharge. The concern is whether it is right to charge public art based on a project that was done in the 1980s; if those elements were removed from the equation, it would reduce the public art component from 2% to 1%.

Council Member Hansen believed that the public art component should reflect what this community is striving for and that new development should help pay for it. He would be open to including 1% for Art in Public Places, as it would build up potential funding.

Mayor Beckman expressed support for 1% toward Art in Public Places.

Council Member Johnson pointed out that the staff report stated that the 1991 improvements allocated 74% to serve new growth, the 2003 and 2004 expansions allocated 26% and 24%, respectively, and the proposed 2006 COP will allocate 58%. He questioned whether the anticipated allocation of new growth versus old growth is appropriate. Mr. Prima responded that they are different because of the nature of the work being done, a certain amount of which was for maintenance. The goal is to build a capacity to serve 8.5 million gallons a day of wastewater treatment, and the rate payers have invested money into this improvement. The consultant took all of the components of the project and allocated it to existing and new users. The figures are the weighted averages of all those individual calculations. For example, the 1991 work had a different set of existing users, which is the reason the calculation was based on 2.7 million gallons of added capacity as opposed to 2.2 million for the current projects.

Mayor Pro Tempore Hitchcock questioned if existing users would be reimbursed or if the wastewater fee would be reduced as new homes are built and the fee becomes spread out over more users. Mr. Prima responded that the calculations done as part of the 2004 COP assumed there would be an increase in the capacity fees and that there would be new users; however, if the capacity fee is not increased, the City would have insufficient funds and the rates would need to be raised in order to make up the difference. An Engineering News Record-type escalator was included in the fee structure.

NOTE: Mayor Pro Tempore Hitchcock left the meeting at 8:25 a.m.

MOTION / VOTE:

The City Council, on motion of Council Member Johnson, Beckman second, set a public hearing for January 4, 2006, to consider adoption of the wastewater capacity fee. The motion carried by the following vote:

Ayes: Council Members – Hansen, Johnson, and Mayor Beckman

Noes: Council Members – None

Absent: Council Members – Hitchcock and Mounce

C. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:28 a.m.

ATTEST:

Jennifer M. Perrin
Deputy City Clerk

**LODI CITY COUNCIL
SPECIAL JOINT CITY COUNCIL MEETING
WITH FAITH COMMUNITY REPRESENTATIVES
HUTCHINS STREET SQUARE, 125 S. HUTCHINS STREET
WEDNESDAY, NOVEMBER 30, 2005**

A. CALL TO ORDER / ROLL CALL

The Special Joint City Council meeting with Faith Community representatives of November 30, 2005, was called to order by Mayor Beckman at 12:07 p.m.

Present: Council Members – Hansen, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – Hitchcock

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. TOPIC(S)

B-1 “Discussion of items of mutual concern”

Marianne Weethee of Heartland Community Church provided the invocation, following which attendees participated in a luncheon.

Mayor Beckman thanked members of the faith community for the many important services, comfort, and guidance they provide to the residents of Lodi. He explained that, each year, the Mayor is given the privilege of selecting recipients for the annual Community Service Award. The presentation is traditionally done at the reorganization meeting of the City Council (i.e. the first regularly scheduled meeting in December each year). Mayor Beckman announced that he had selected the faith community of Lodi to receive the 2005 Mayor's Community Service Award. He then presented awards to each of the 25 religious organizations that had representatives in attendance.

Council Member Hansen commended Mayor Beckman for his decision in selecting the faith community for this year's Community Service Award. He thanked attendees for providing invocations at City Council meetings, as well as for their collaborative efforts and community programs which greatly benefit the City.

Note: Council Member Hansen left the meeting at 12:40 p.m.

Major Frank Severs of the Lodi Salvation Army expressed thanks for the religious freedom he enjoys and for the support shown by other churches in the community for the Salvation Army.

Mayor Beckman thanked Arnold Chin of Fritz Chin Photography for providing his services today, following which all attendees gathered for a group photo.

C. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 12:45 p.m.

ATTEST:

Susan J. Blackston
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Specifications for a Compressed Natural Gas (CNG) Packaged Electric Motor Drive Compressor System for the Municipal Service Center CNG Fueling Station Expansion, and Authorizing City Manager to Negotiate a Contract to Award to GreenField Compression, Inc., as the Sole Supplier (Not to Exceed \$182,000)

MEETING DATE: December 7, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving specifications for a compressed natural gas (CNG) packaged electric motor drive compressor system for the Municipal Service Center (MSC) CNG fueling station expansion and authorizing the City Manager to negotiate a contract not to exceed \$182,000 to award to GreenField Compression, Inc., as the sole supplier.

BACKGROUND INFORMATION: The MSC has an existing CNG fueling station that was completed in May 2004 to provide fuel for the City's transit buses and other CNG-powered vehicles. The heart of that system is a heavy-duty premium efficiency 125 horsepower electric motor drive skid-mounted compressor package that was purchased from GreenField Compression, Inc. (formerly known as GreenField-Sultzter).

When the CNG fueling station was installed, the addition of a future second compressor was anticipated (the station layout provided space, the concrete foundation/pad, piping, etc.). The existing compressor has performed very well but now has approximately 5,000 hours on it and is due for a major service. Adding a second compressor will allow us to maintain uninterrupted service while compressor maintenance takes place, both now and in the future. It will also provide the ability to alternate between compressors and provide a back up should there be an unanticipated problem or failure.

Standardization of this equipment provides cost benefits to the City, saves on parts and training, allows back-to-back filling of buses due to a short recovery cycle, and requires only one vendor to service both machines. Familiarization of the compressors by staff is paramount and is simplified if we only have one model. The interchangeability of parts from one compressor to the other, especially in an emergency, provides an advantage.

It is critical that we continue to provide reliable CNG fueling for our City's transit and general fleet. This second compressor package is the key component of that system's dependability. Staff is recommending that we purchase another compressor from the same manufacturer that is identical to the existing unit, and that GreenField Compression, Inc., be deemed as the sole supplier.

APPROVED: _____
Blair King, City Manager

Adopt Resolution Approving Specifications for a Compressed Natural Gas (CNG) Packaged Electric Motor Drive Compressor System for the Municipal Service Center CNG Fueling Station Expansion, and Authorizing City Manager to Negotiate a Contract to Award to GreenField Compression, Inc., as the Sole Supplier (Not to Exceed \$182,000)

December 7, 2005

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Specifications have been prepared and are on file in the Public Works Department. Specifications from GreenField Compression, Inc., for their Model C4U117.1 compressor package meet the City's specifications.

GreenField Compression, Inc., has indicated to the City of Lodi that they have a 5% price increase scheduled to go into effect January 1, 2006. Staff is seeking this purchase approval now in order to finalize a purchase contract before that increase.

FISCAL IMPACT: There is \$36,400 in TDA cost involved in purchase, the operational cost for running two compressors will be insignificantly higher, as the compressors will be sequenced to alternate. The maintenance costs will increase some but will be offset by greater reliability from the dual compressor operation.

Also, overtime call-outs for service will likely decrease, since the second compressor can be used instead.

FUNDING AVAILABLE: Funding will be provided by a Congestion Mitigation and Air Quality (CMAQ) grant from the San Joaquin Council of Governments; Transportation Development Act (TDA) funds will be used as matching funds.

James R. Krueger, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Dennis J. Callahan, Fleet and Facilities Manager

RCP/DJC/pmf

cc: Tiffani Fink, Transportation Manager
Roger Rich, Fleet Supervisor
Joel Harris, Purchasing Officer
Steve Schwabauer, City Attorney

RESOLUTION NO. 2005-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING SPECIFICATIONS FOR A
COMPRESSED NATURAL GAS (CNG) PACKAGED ELECTRIC MOTOR DRIVE
COMPRESSOR SYSTEM FOR THE MUNICIPAL SERVICE CENTER CNG FUELING
STATION EXPANSION, AND FURTHER AUTHORIZING THE CITY MANAGER TO
NEGOTIATE AND AWARD CONTRACT WITH SOLE SUPPLIER

=====

WHEREAS, Lodi Municipal Code, §3.20.070, authorizes dispensing with bids for purchases of supplies, services or equipment when it is in the best interest of the City to do so; and

WHEREAS, the MSC has an existing CNG fueling station that was completed in May 2004 to provide fuel for the City's transit buses and other CNG-powered vehicles; and

WHEREAS, the heart of the system is a heavy-duty premium efficiency 125 horsepower electric motor drive skid-mounted compressor package that was purchased from GreenField Compression, Inc., (formerly known as GreenField-Sultzter); and

WHEREAS, the addition of a second compressor was anticipated, as the station layout provided the necessary space with concrete foundation/pad, piping, etc.; and

WHEREAS, the existing compressor has performed very well, but has been utilized approximately 5,000 hours and is due for a major service; and

WHEREAS, with the installation of a second compressor, uninterrupted service will be maintained as well as providing necessary backup for any unanticipated system problem or failure; and

WHEREAS, staff recommends the purchase of a second identical compressor unit from the same manufacturer, and that GreenField Compression, Inc. be deemed as the sole supplier.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the Specifications for a Compressed Natural Gas (CNG) Packaged Electric Motor Drive Compressor System for the Municipal Service Center CNG Fueling Station Expansion; and

BE IT FURTHER RESOLVED, that the City Council hereby approves standardizing the above-referenced compressor equipment, and deems GreenField Compression, Inc., as the sole supplier; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to negotiate a contract to award the sole-source purchase to GreenField Compression, Inc., in an amount not to exceed \$182,000.

Dated: December 7, 2005

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I hereby certify that Resolution No. 2005-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 7, 2005, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON

City Clerk

2005-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Negotiate and Purchase Three Thirty-Foot Compressed Natural Gas (CNG) Transit Vehicles Off of the State Contract (\$600,000) and Appropriate Funds

MEETING DATE: December 7, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to negotiate and purchase three thirty-foot compressed natural gas (CNG) transit vehicles off of the State contract and appropriate funds as shown below.

BACKGROUND INFORMATION: The City of Lodi currently operates numerous CNG vehicles and a fueling station. The City's Transit Division currently operates a fleet of 25 transit vehicles. Of those 25 vehicles, 20 operate on CNG.

The purchase of the three new vehicles would bring the City closer to its commitment to the Air Resources Board of a 100% CNG fleet. The City received grant funding to replace five (5) gasoline transit vehicles in 2005/06. Due to the limited number and sizes currently available, staff recommends moving ahead with the purchase of these three and will return for Council approval of the other two early next year. The three new vehicles will replace three older gasoline vehicles in our fleet which will be sold out-of-state to meet the requirements of the grant funding. The three vehicles proposed are thirty-foot transit vehicles. These vehicles are larger than the Dial-A-Ride vehicles (22 passengers, 25 feet in length) but significantly smaller than the Fixed-Route vehicles (35 seated passengers, 40 feet in length). It is anticipated these vehicles will be utilized in off hours for Fixed-Route whenever possible.

Staff is recommending that the three new CNG vehicles be procured off of the State contract due to the limited availability of CNG vehicles and the ease of procurement it provides. The Transportation Manager and Fleet and Facilities Manager have met with staff from the maintenance shop and transit operations to select the options available on the vehicle. The City has received a Congestion Mitigation and Air Quality (CMAQ) grant from the San Joaquin Council of Governments, as well as Measure K funding for a portion of these vehicles. While it was anticipated that the grants would cover the entire cost, due to the limited availability of small CNG vehicles and the need for larger vehicles to serve the Express Routes (identified through Measure K funding), Transportation Development Act funds (approximately \$200,000) and prior year revenue from fares (approximately \$145,000) will need to be utilized to fund the remainder of the purchase price. Staff is currently researching the availability of small vehicles and will be returning to Council in early 2006 to request authorization to purchase the remaining two vehicles. Additionally, funding has been made available in 2006/07 to purchase an additional five smaller CNG vehicles, and their cost should be fully covered by grant funds. The remainder of the cost will be covered by Transportation Development Act funds previously approved by the City Council.

APPROVED: _____
Blair King, City Manager

FISCAL IMPACT: The cost of three vehicles has been included in the budget for the Transit system. Failure to award the agreement could result in loss of the grant funding, which could result in higher maintenance costs.

FUNDING AVAILABLE: The bus purchases will be utilizing:

Transportation Development Act/Fares	\$345,000
	(\$200,000 TDA, \$145,000 Fares)
CMAQ Funds	\$180,000
Measure K Transit Capital Funds	\$75,000

James R. Krueger, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager
cc: Fleet and Facilities Manager
Transportation Manager

RESOLUTION NO. 2005-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE SOLE-SOURCE PURCHASE
OF THREE REPLACEMENT TRANSIT VEHICLES

=====

WHEREAS, Lodi Municipal Code, Section 3.20.070, authorizes dispensing with bids for purchases of supplies, services or equipment when it is in the best interests of the City to do so; and

WHEREAS, the City received grant funding to replace five gasoline transit vehicles in 2005-2006; and

WHEREAS, staff recommends purchasing three thirty-foot CNG transit vehicles through the State Contract due to the limited number and sizes currently available and the ease of procurement the State Contract provides, and return to Council for approval of two additional buses in early 2006 in the approximate amount of \$200,000.00 for each vehicle; and

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby approves the purchase of three replacement transit vehicles from the State of California Office of Procurement in the approximate amount of \$600,000.00; and

BE IT FURTHER RESOLVED, that funds be appropriated as follows:

Transportation Development Act/Fares	\$345,000
CMAQ Funds	\$180,000
Measure K Transit Capital Funds	\$ 75,000

Dated: December 7, 2005

=====

I hereby certify that Resolution No. 2005-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 7, 2005, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON
City Clerk

2005-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution awarding contract for playground improvements at Van Buskirk Park, 600 N. Pleasant Avenue, and Hale Park, 209 E. Locust Street, to Diede Construction, Inc. of Woodbridge, CA (\$128,065.64)

MEETING DATE: December 7, 2005

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That the City Council adopts a resolution awarding the contract for playground improvements at Van Buskirk Park, 600 N. Pleasant Avenue, and Hale Park, 209 E. Locust Street, to Diede Construction, Inc. of Woodbridge, CA in the amount of \$128,065.64.

BACKGROUND INFORMATION: This project will remove the existing fibar ground cover material at Van Buskirk Park and the par course area at Hale Park, and replace them with new handicap accessible rubberized playground surface material. The project will also include the removal of the existing par course equipment at Hale Park and replace the equipment with a new 2 to 5 year handicap accessible play structure, along with a pre-cast concrete climbing wall.

The City received the following 3 bids for this project:

Bidder	Location	Bid
Engineer's Estimate		\$126,068.00
Diede Construction	Woodbridge	\$128,065.64
A.M. Stephens Construction	Lodi	\$132,332.40
Hobbs Construction	Fresno	\$158,908.00

FISCAL IMPACT: There is no direct impact to the Parks and Recreation Department budget for installation for the playground improvements. CDBG funds will be supporting the installation of this project in its entirety.

FUNDING: Community Development Block Grant Funds will be used to fund this project
Project Estimate: \$138,600 (includes \$12,600.00 in contingencies)
Bid Opening Date: November 2, 2005

James R. Krueger, Finance Director

APPROVED: _____
Blair King, City Manager

Adopt resolution awarding contract for playground improvements at Van Buskirk Park, 600 N. Pleasant Avenue, and Hale Park, 209 E. Locust Street, to Diede Construction, Inc. of Woodbridge, CA (\$128,065.64)
December 7, 2005
Page 2

Tony C. Goehring
Parks and Recreation Director

Joseph Wood
Community Improvement Manager

Prepared by: Steve Virrey, Parks Project Coordinator

TG/SV:tl

cc: City Attorney
Purchasing Officer
Community Improvement Manager
Park Superintendent
Sr. Civil Engineer Fujitani
Parks & Recreation Management Analyst

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING
THE CONTRACT FOR PLAYGROUND IMPROVEMENTS AT
VAN BUSKIRK PARK, 600 N. PLEASANT AVENUE, AND HALE
PARK, 209 E. LOCUST STREET, AND APPROPRIATING
FUNDS TO COVER THIS PROJECT

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on November 2, 2005 at 11:00 a.m. for the Playground Improvements at Van Buskirk Park, 600 N. Pleasant Avenue, and Hale Park, 209 E. Locust Street, described in the specifications therefore approved by the City Council on September 21, 2005; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

<u>Bidder</u>	<u>Location</u>	<u>Base Bid</u>
Engineer's Estimate		\$126,068.00
Diede Construction	Woodbridge	\$128,065.64
A. M. Stephens Construction Co., Inc.,	Lodi	\$132,332.40
Hobbs Construction	Fresno	\$158,908.00

WHEREAS, the City Manager recommends award of the contract for Playground Improvements at Van Buskirk Park, 600 N. Pleasant Avenue, and Hale Park, 209 E. Locust Street, be made to the low bidder, Diede Construction, Inc., of Woodbridge, California.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the award of the contract for the Playground Improvements at Van Buskirk Park, 600 N. Pleasant Avenue, and Hale Park, 209 E. Locust Street, be and the same is hereby awarded to the low bidder, Diede Construction, Inc., of Woodbridge, California, in the amount of \$128,065.64; and

Dated: December 7, 2005

I hereby certify that Resolution No. 2005-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 7, 2005, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON
City Clerk

2005-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept Improvements Under Contract for Lane Line Painting, Various City Streets, 2005

MEETING DATE: December 7, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council accept the improvements under the Lane Line Painting, Various City Streets, 2005 contract.

BACKGROUND INFORMATION: The project was awarded to Chrisp Company, of Fremont, on September 26, 2005, in the amount of \$33,816.44. The contract has been completed in substantial conformance with the specifications approved by the City Council.

The contract completion date was November 4, 2005. The final contract price was \$35,774.12. The difference between the original contract price and the final contract price was due to increased quantities.

Following acceptance by the City Council, the City Engineer will file a Notice of Completion with the County Recorder's office.

FISCAL IMPACT: None.

FUNDING AVAILABLE: The money for this material is coming from the Street Operating Budget (2005/2006).
Contract Amount: \$35,774.12

James R. Krueger, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Curt Juran, Assistant Street Superintendent

RCP/CJ/dsg

cc: Joel Harris, Purchasing Agent
George M. Bradley, Street Superintendent

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept Improvements Under Contract for Stockton Street Parkway Landscape Project from Tokay Street to Alley North of Locust Street

MEETING DATE: December 7, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council accept the improvements under the "Stockton Street Parkway Landscape Project from Tokay Street to Alley North of Locust Street" contract.

BACKGROUND INFORMATION: The project was awarded to Odyssey Landscape, of Stockton, on October 15, 2003, in the amount of \$81,327.60. The contract has been completed in substantial conformance with the plans and specifications approved by City Council.

This project consisted of installing approximately 11,000 square feet of landscape, 120 various street trees, and other miscellaneous and related work. There was a delay in starting the project due to a prolonged review of the DBE submittals and a concern over planting trees during the hot summer months. The contract completion date was December 31, 2005, and the actual completion date was December 1, 2005. In Contract Change Order No.2, Odyssey Landscape agreed to water the trees through December 2005. However, the contractor has been informed that its watering services could cease as of December 1, 2005, because the trees are now dormant. The final contract price was \$96,882.60. The difference between the contract amount and the final contract price is mainly due to Contract Change Order No. 2, which paid the contractor to water the trees until December 2005. The original contract included a 90-day maintenance period. At the end of the contract maintenance period, City staffing was not available to continue the watering, and the City asked Odyssey Landscape for assistance in watering the trees for an additional two years until they were more established.

At the completion of the contract, 19 trees had either died or deteriorated to the point where they would not survive. This resulted from property owners not caring for the trees and other conditions not controlled by the City or the contractor. It was decided that replacement of the dead trees was not a prudent expenditure of funds and they have been removed.

Plans and specifications for this project were approved on December 8, 2002, at which time the City Manager was authorized to award the contract. The City received the following eight bids for this project:

Bidder	Location	Bid
Engineer's Estimate		\$ 89,771.00
Odyssey Landscape	Stockton	\$ 81,327.60
DB Landscape	Redding	\$ 81,753.75
AM Stephens Construction	Lodi	\$ 94,841.05
Planned Environmental	Lafayette	\$ 98,509.14
Gateway Landscape	Livermore	\$ 99,940.00
Olympic Land	Sacramento	\$100,420.00
Emert Construction	Stockton	\$105,134.00
Pacheco Brothers	Hayward	\$113,945.00

APPROVED: _____
Blair King, City Manager

Accept Improvements Under Contract for Stockton Street Parkway Landscape Project from Tokay Street
to Alley North of Locust Street
December 7, 2005
Page 2

Following acceptance by the City Council, the City Engineer will file a Notice of Completion with the County Recorder's office.

FISCAL IMPACT: There will be a slight increase in long-term maintenance costs.

FUNDING AVAILABLE: Budgeted Fund: Community Development Block Grant
Contract Amount: \$96,882.60

James R. Krueger, Finance Director

Joseph Wood, CDBG Block Grant Coordinator

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer

RCP/WKF/pmf

cc: Joel Harris, Purchasing Officer
Joseph Wood, Community Development Block Grant Coordinator



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept Improvements Under Contract for Well 27 Well Drilling,
302 East Highway 12

MEETING DATE: December 7, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council accept the improvements under the "Well 27 Well Drilling, 302 East Highway 12" contract.

BACKGROUND INFORMATION: The project was awarded to Nor-Cal Pump & Well Service, of Yuba City, on October 6, 2004, in the amount of \$196,188. The contract has been completed in substantial conformance with the plans and specifications approved by City Council. The contract included drilling the well hole, placing the internal steel lining and pump testing the well. The next contracts at the site will install the well pump, piping and electrical controls. The City realizes significant cost savings using staged construction in combination with City forces.

The contract completion date was March 16, 2005, and the actual completion date was November 1, 2005. The difference between the actual completion date and the original scheduled completion date was due to the difficulty of scheduling the use of the water produced during test pumping the well. This site has no access to storm drainage facilities, and use of the water on adjacent agricultural land had to be coordinated with the farmer's needs. The final contract price was \$192,595. The difference between the contract amount and the final contract price is mainly due to field directive changes to the well casing during construction.

Following acceptance by the City Council, the City Engineer will file a Notice of Completion with the County Recorder's office.

FISCAL IMPACT: There will be added costs for maintenance of the new well facilities. These costs were anticipated in the current rate schedule.

FUNDING AVAILABLE:

Budgeted Fund:	Water Impact Mitigation Fees
Contract Amount:	\$192,595

James R. Krueger, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Mark J. Lindseth, Associate Civil Engineer
RCP/MJL/pmf
cc: Joel Harris, Purchasing Officer
Frank Beeler, Assistant Water/Wastewater Superintendent

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Accepting Improvements in Mills Avenue Single Family Homes, Unit 2, Tract No. 3499

MEETING DATE: December 7, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution accepting the development improvements for Mills Avenue Single Family Homes, Unit 2, Tract No. 3499.

BACKGROUND INFORMATION: Improvements at Mills Avenue Single Family Homes, Unit 2, Tract No. 3499, have been completed in substantial conformance with the requirements of the Improvement Agreement between the City of Lodi and Mills Crossing, LLC, as approved by Council on August 17, 2005, and as shown on Drawings No. 005D008-01 through 005D008-10.

Public improvements in this development included the installation of a new 8-inch water main, two fire hydrants and water services.

No public streets were dedicated as part of this improvement agreement.

FISCAL IMPACT: There will be a slight increase in long-term maintenance costs.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley Fujitani, Senior Civil Engineer
RCP/WKF/pmf

cc: City Attorney
Senior Civil Engineer - Development Services
Senior Traffic Engineer
Street Superintendent (w/attachment)
Senior Engineering Technician
Chief Building Inspector

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2005-_____

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING MILLS
AVENUE SINGLE FAMILY HOMES, UNIT 2, TRACT NO.3499,
INCLUDED IN THE IMPROVEMENT AGREEMENT BETWEEN THE
CITY OF LODI AND MILLS CROSSING, LLC

=====

The City Council of the City of Lodi finds:

1. That all requirements of the Improvement Agreement between the City of Lodi and Mills Crossing, LLC, for the development improvements in Mills Avenue Single Family Homes, Unit 2, Tract No. 3499, have been substantially complied with. The improvements are shown on Drawing Nos. 005D008-01 through 005D008-10, on file in the Public Works Department and as specifically set forth in the plans and specifications approved by the City Council on August 17, 2005; and
2. That no public streets were dedicated as part of this improvement agreement.

Dated: December 7, 2005

=====

I hereby certify that Resolution No. 2005-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 7, 2005, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Extension of Lease of Maple Square,
2 East Lodi Avenue

MEETING DATE: December 7, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving an extension of the lease of Maple Square, 2 East Lodi Avenue.

BACKGROUND INFORMATION: The existing two-year lease with Alcoholics Anonymous for the use of the Maple Square Firehouse concludes on December 31, 2005. The lease, however, reads that the "Lease may be extended by mutual agreement, and with City Council approval, for an additional term as specified".

Staff is requesting the lease term be extended for six (6) months, to June 30, 2006, and that all other terms and conditions of the lease remain the same. Consideration will be given as to the long-term plan for this property during this extension.

FISCAL IMPACT: No Change. Minimal rent is received from Alcoholics Anonymous for the facility, at \$100 per month.

FUNDING AVAILABLE: Not Applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Dennis J. Callahan, Fleet and Facilities Manager

RCP/DJC/pmf

cc: Steve Schwabauer, City Attorney
Mark Zollo, Facilities Supervisor
Dino Radotic, Alcoholics Anonymous

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2005-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING EXTENSION OF LEASE OF MAPLE
SQUARE, 2 EAST LODI AVENUE

=====

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby approve extension of Lease for Maple Square located at 2 East Lodi Avenue, with Alcoholics Anonymous, in care of Dino Radotic; and

BE IT FURTHER RESOLVED, that the extension will be for a period of six (6) months, and all other terms and conditions of the lease shall remain the same.

Dated: December 7, 2005

=====

I hereby certify that Resolution No. 2005-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 7, 2005, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2005-_____



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Negotiate Janitorial Services Contract(s) as Needed for Remainder of Current Fiscal Year (Not to Exceed \$37,000)

MEETING DATE: December 7, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to negotiate janitorial services contract(s) as needed for the remainder of the current fiscal year.

BACKGROUND INFORMATION: Cleaning Concepts, one of the janitorial service contractors for City facilities, failed to meet several contractual obligations to the City and resigned on November 14, 2005. An emergency purchase order for two months of interim janitorial services at the facilities affected was issued to Korean Professional Building Maintenance, the City's remaining janitorial services provider, on November 18, 2005.

When the janitorial services contracts were approved by the City Council on April 7, 2004, staff recommended to the Council that janitorial services at various City facilities be reduced in frequency to save money and that contracts be awarded to more than one contractor. Staff also recommended that the City Manager (within the budget) be given authority to adjust cleaning frequencies with any, or all, of the janitorial contractors should the reduced schedule of cleaning prove inadequate, or to terminate a contract and award to other contractors should a firm, or firms, fail to perform.

This is the second time a firm has had to be replaced. Facilities affected by this recent loss of cleaning services are Parks & Recreation offices, Fire Administration offices, Municipal Service Center, Hutchins Street Square, and White Slough Water Pollution Control Facility.

Staff recommends that the Council grant the City Manager, and/or his designees, the authority and responsibility to negotiate and award the contract(s) and that the City Manager be authorized to extend janitorial contracts for one additional year, if costs are not increased by more than 5%. Staff will evaluate if it is in the City's best interest to re-bid a portion, or all, of the janitorial contracts and return to the Council if the recommendation is to re-bid.

FISCAL IMPACT: Contract janitorial services costs will increase by an estimated \$15,000 for the current fiscal year. The \$37,000 is the total cost for janitorial services for the balance of the fiscal year, including this increase. Staff will work with contracted vendors to minimize further disruptions to service.

FUNDING AVAILABLE: Operating Budgets

James R. Krueger, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Dennis J. Callahan, Fleet and Facilities Manager
RCP/DJC/pmf

cc: Mark Zollo, Facilities Supervisor
Richard Prima, Public Works Director
Del Kerlin, Wastewater Superintendent

Tea Silvestre, Community Center Director
Steve Schwabauer, City Attorney
George Bradley, Street Superintendent

Mike Pretz, Fire Chief
Tony Goehring, Parks and Recreation Director

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2005-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO
NEGOTIATE JANITORIAL SERVICES
CONTRACT(S) AS NEEDED FOR THE
REMAINDER OF CURRENT FISCAL YEAR

=====

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi hereby authorizes the City Manager to negotiate janitorial services contract(s) as needed for the remainder of this fiscal year, in an amount not to exceed \$37,000; and

BE IT FURTHER RESOLVED that the City Council further authorizes the City Manager to execute the contract(s) on behalf of the City of Lodi.

Dated: December 7, 2005

=====

I hereby certify that Resolution No. 2005-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 7, 2005, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2005-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing the City Manager to Execute an Agreement With the Lodi Conference and Visitors Bureau to Promote the Development of Regional Business, Recreation, Tourist, Conference, and Visitor Activities

MEETING DATE: December 7, 2005

PREPARED BY: Management Analyst, City Manager's Office

RECOMMENDED ACTION: That Council authorize the City Manager to execute an agreement with the Lodi Conference and Visitors Bureau to promote the development of regional business, recreation, tourist, conference and visitor activities.

BACKGROUND INFORMATION: On August 19, 1998, the City of Lodi entered into an agreement with the Lodi-Woodbridge Winegrape Commission (LWWC) to promote the development of regional business, recreation, tourist, conference, and visitor activities in the City through the Lodi Conference and Visitors Commission. That agreement committed funding in the amount of \$60,000 a year for two years with an option to renew for one year. The agreement with LWWC has expired and since that time, the Lodi Conference and Visitors Bureau (LCVB) has established itself as California non-profit organization independent of the LWWC. Although the Lodi City Council approved funding the LCVB in the amount of \$123,500 during the FY 2005-06 budget process, it needs to additionally adopt a successor agreement with the Lodi Conference and Visitors Bureau. The agreement (Exhibit A) shall be renewed annually in conjunction with the City's fiscal year and budget process. Payments to the LCVB will be made quarterly within 60 days of an approved payment request.

As responsible managers and in keeping with standard practice when granting public funds to be used for public benefit programs, the City has requested that the LCVB and other grantees provide specific documentation as justification for financial support. In addition, we ask that grantees be accountable for capital assets purchased with City funds. The LCVB has provided a list of projects (Exhibit B) to be funded by the City's \$123,500 contribution. The projects and economic benefit derived from the program are endorsed.

FISCAL IMPACT: \$123,500

FUNDING AVAILABLE: 2005-2006 fiscal year budget, 100431.8099, Economic Development

James R. Krueger, Finance Director

Janet L. Hamilton
Management Analyst

Attachments
cc: Nancy Beckman, LCVB Executive Director

APPROVED: _____
Blair King, City Manager

Exhibit A

AGREEMENT

THIS AGREEMENT, is made and entered into in the City of Lodi on this 7th day of December 2005, by and between the City of Lodi, a municipal corporation, hereinafter referred to as the City and the Lodi Conference and Visitors Bureau, a California non-profit organization, hereinafter referred to as LCVB.

WITNESSETH

WHEREAS, the City is desirous of promoting visitor and conference services for the needs of residents and visitors to the City of Lodi, and

WHEREAS, the City is desirous of promoting the development of regional business, recreation, tourist, conference and visitor activities, and

WHEREAS, an Economic Development goal of the City is to market Lodi as a destination for wine tasting, conferences, amateur sports tournaments, entertainment and cultural activities, and

WHEREAS, the City Council directed staff to develop an Agreement with the LCVB to provide these services.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

1. TERM. The term of this Agreement shall be from the date this Agreement is made and entered into, as first written above, for one year beginning July 1, 2005 and ending June 30, 2006 with the option to renew annually with the consent of both parties.

2. INCORPORATION BY REFERENCE. The Description of Work (Exhibit A) are hereby incorporated in and made a part of this Agreement.

3. CITY'S OBLIGATION. For providing these services as specified in this Agreement, the City will, subject to budget approval, pay the LCVB \$123,500 in quarterly payments. The amount of the City's contribution, if any, will be determined each year during the budget process.

4. LCVB'S OBLIGATIONS. For and in consideration of the payment and agreements herein before mentioned to be made and performed by City, LCVB agrees with City to perform as required by this Agreement. In the event that 1) the LCVB purchases any durable personal property purchased with funds provided by the City between July 1, 2005 and June 30, 2006, including but not limited to furniture, computers, or electronic equipment, and 2) dissolves at any time after signing this agreement, title to the personal property shall revert to the City of Lodi.

5. AMENDMENTS. Any amendment, modification, or variation from the terms of this Agreement shall be in writing and shall be effective only upon approval by the City and LCVB. Any attempt to modify this agreement other than by writing, signed by both parties, shall be void.

6. COMPLETE AGREEMENT. This written Agreement, including all writings specifically incorporated herein by reference, shall constitute the complete agreement between the parties hereto. No subsequent or contemporaneous oral agreement, understanding, or representation not reduced to writing and specifically incorporated herein shall be of any force or effect, not shall any such oral agreement, understanding or representation by binding upon the parties hereto.

7. NOTICE. All written notices to the parties hereto shall be sent by United States mail, postage prepaid by registered or certified mail addressed as follows:

City: City Manager
City of Lodi
P.O. Box 3006
Lodi, CA 95241-3006

Contractor: Lodi Conference and Visitors Bureau
2545 W. Turner Road
Lodi, CA 95242

8. AUTHORITY TO EXECUTE AGREEMENT. Both the City and LCVB do covenant that each individual executing this agreement on behalf of each party is a person duly authorized and empowered to execute Agreements for such party.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed the day and year first written above.

ATTEST:

CITY OF LODI
A Municipal Corporation

By: _____
Susan Blackston
City Clerk

By: _____
Blair King
City Manager

APPROVED AS TO FORM:

LCVB

By: _____
D. Stephen Schwabauer
City Attorney

By: _____

Exhibit B

Media Day	\$3,500.00
Press Trips (2)	\$1,600.00
Website Redesign	\$6,000.00
Advertising	\$15,000.00
California Visitor Guide	
Sacramento Visitor Guide	
Yellow Pages	
Direct Mail Advertisements	
Visitor Attraction Map & Guide Publication	\$2,500.00
Tradeshows (incl. Travel & Meals)	\$9,000.00
CalSAE - Association Show	
California Travel Market (Sales Appt. Show)	
San Francisco Media Reception (Media Show)	
NTA (Sales Appt. Show)	
Bay Area Travel Show (Consumer Show)	
Sunset Travel Show (Consumer Show)	
Newsletter (3 per year)	\$1,000.00
Event Calendars	\$500.00
Meeting Facilities Brochure	\$100.00
LodiView (Monthly Email Event Calendar)	\$60.00
Postage for Visitor Information Mailing	\$2,000.00
Salaries	\$60,000.00
Rent	\$16,500.00
Industry Memberships	\$2,400.00
Computers/Desks/Chairs (2)	\$5,000.00
 Total	 \$125,160.00

RESOLUTION NO. 2005-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXECUTE
AGREEMENT WITH THE LODI CONFERENCE AND
VISITORS BUREAU TO PROMOTE THE DEVELOPMENT
OF REGIONAL BUSINESS, RECREATION, TOURIST,
CONFERENCE, AND VISITOR ACTIVITIES

=====

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi hereby authorizes the City Manager to execute an Agreement with the Lodi Conference and Visitors Bureau to promote the development of regional business, recreation, tourist, conference and visitor activities.

Dated: December 7, 2005

=====

I hereby certify that Resolution No. 2005-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 7, 2005, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2005-_____



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Fee Contract with Scott & Nichols for Representation of Officer Neis and former Officer Foster in *Peter Rose et al. v. the City of Lodi, et al.*; United States District Court, Eastern District of California, Case No.CIV.S-05-02229

MEETING DATE: December 7, 2005 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Approve Contract for Outside Counsel to represent Officer Neis and Former Officer Foster.

BACKGROUND INFORMATION: As you know, subject to certain conditions, public employees (both current and former) are entitled to indemnity for their actions taken in the course and scope of their duties under State Law. (Government Code Section 995 et seq.) In addition, where an actual conflict of interest exists between the employee and the entity, the entity must provide a separate attorney to represent the employee. A mere potential conflict of interest does not require outside counsel. However in this case outside counsel is advisable because of the nature of the allegations present significant conflicts for the City Attorney's Office to manage in representing the officers and the City when our primary obligation is to protect the interests of the City.

As you also know, the City is insured through CJPRMA with a \$500,000 Self Insured Retention (SIR). Since legal expenses are counted toward the SIR, they will not exceed \$500,000 to the City over the life of the action.

FISCAL IMPACT: Unknown at this time, but capped at \$500,000 out of liability reserve account.

Stephen Schwabauer
City Attorney

APPROVED:

Blair King, City Manager

**AGREEMENT TO ENGAGE OUTSIDE LEGAL COUNSEL
BETWEEN THE CITY OF LODI AND
SCOTT & NICHOLS, A PROFESSIONAL CORPORATION**

THIS AGREEMENT TO ENGAGE OUTSIDE COUNSEL (The "Agreement") is made and entered into on this ____ day of _____, 20__ by and between the City of Lodi (referred to as "City") and Scott & Nichols, A Professional Law Corporation (referred to as "Scott & Nichols").

The City and Scott & Nichols agree as follows:

1. SCOPE OF REPRESENTATION

Scott & Nichols agree to represent the City of Lodi in connection with the pending case of _____ v. City of Lodi, et al.

Scott & Nichols will act in accordance with the City's instructions. Representation will include, among other things, handling the referenced litigations and proceedings, preparing appropriate court filings, making required appearances on behalf of the City, participating in mediation sessions and providing such other assistance as may be appropriate or as the City may request.

2. CHARGES FOR ATTORNEY SERVICES

For services performed by Scott & Nichols, the City agrees to pay, and Scott & Nichols agrees to accept, compensation for time expended by attorneys at the rate of \$175.00 per ~~house~~ hour.

3. INITIAL ASSESSMENT

At the outset of the engagement, Scott & Nichols will undertake an initial evaluation of the litigation and provide the City with an analysis of the case, including, but not limited to, an evaluation of liability, damages, and other critical issues. Additionally, Scott & Nichols will provide a proposed budget for the undertaking reasonably anticipated expenses for professional fees and costs.

4. COMMUNICATIONS

The City has designated City Attorney Stephen Schwabauer as its primary point of contact for purposes of this Agreement. W. Stephen Scott of Scott & Nichols will serve as the primary point of contact with Scott & Nichols.

5. BILLING FORMAT AND FREQUENCY

Scott & Nichols will bill the City monthly for services rendered at the agreed rate. The monthly statements will include any costs Scott & Nichols incurs on the City's behalf, such as photocopying, postage, long distance telephone, courier services and computerized legal services for legal research or document management. Said charges will be consistent with the City's billings guidelines adopted February 23, 2004.

6. RETENTION OF EXPERT WITNESSES AND LITIGATION CONSULTANTS; DIRECT PAYMENT OF MAJOR EXPENSES

Upon prior approval of the City, Scott & Nichols may enter into agreements with other parties for purposes of providing expert witness services or litigation support and consulting services for matters covered by this Agreement. The City agrees to provide compensation directly to such parties. Examples of such services may include photocopying of documents in excess of \$250, document management services, preparation of trial graphics and presentation aids, mock trial consulting services and court reporter fees and videographer fees for depositions.

7. NOTICES

Any notice to a party to this Agreement must be in writing and addressed to the party at the address set forth below or at such other addresses about which the parties may notify each other from time to time.

TO THE CITY:

City of Lodi
D. Stephen Schwabauer
City Attorney
221 W. Pine Street
Lodi, CA 95240

TO SCOTT & NICHOLS:

W. Stephen Scott
Scott & Nichols
120 N. Hunter Street
Stockton, CA 95202

This Agreement shall be administered and interpreted under the laws of the State of California. Jurisdiction of litigation arising from this Agreement shall be in that state. If any part of this Agreement is found to conflict with applicable laws, such part shall be inoperative, null and void insofar as it is in conflict with applicable laws, but the remainder of this Agreement shall be in full force and effect.

No provision of this Agreement shall be construed for or against any party on the basis of its contribution or lack of contribution, to the drafting of such provision, and the provisions of Section 1654 of the California Civil Code shall have no application to this Agreement. The failure of any party to enforce any provision of this Agreement shall not in any way be construed as a waiver of any such provision and shall not prevent that party from thereafter enforcing such or any other provision of this Agreement.

8. INTEGRATION

This Agreement represents the entire understanding of the City and Scott & Nichols as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing, signed by both parties.

CITY OF LODI

Signature

Printed Name

Title

Date

SCOTT & NICHOLS Professional Law Corporation


W. Stephen Scott
Signature

W. Stephen Scott
Printed Name

Partner-attorney
Title

12/1/05
Date

APPROVED AS TO FORM:

D. Stephen Schwabauer
City Attorney 

ATTEST:

Susan J. Blackston
City Clerk

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Post for Vacancies on the Greater Lodi Area Youth Commission and the Lodi Planning Commission

MEETING DATE: December 7, 2005

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, direct the City Clerk to post for vacancies on the Greater Lodi Area Youth Commission and the Lodi Planning Commission.

BACKGROUND INFORMATION: The City Clerk's Office received a letter of resignation from Youth Commissioner, Hannah Holden (filed). Additionally, Planning Commissioner, Eddie Aguirre, passed away on November 20, resulting in a vacancy on the Commission. It is, therefore, recommended that the City Council direct the City Clerk to post for the vacancies below.

Greater Lodi Area Youth Commission

Hannah Holden Term to expire May 31, 2007

Lodi Planning Commission

Eddie Aguirre Term to expire June 30, 2008

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application. The City Council is requested to direct the City Clerk to make the necessary postings.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Presentation to Outgoing Mayor by City Manager King and Reorganization of the Lodi City Council

MEETING DATE: December 7, 2005

PREPARED BY: City Clerk

RECOMMENDED ACTION: That, following presentation to the outgoing Mayor by City Manager King, the City Council adopt resolutions electing a Mayor and a Mayor Pro Tempore to serve the Lodi City Council.

BACKGROUND INFORMATION: Pursuant to Lodi Municipal Code §2.04.070, it is necessary that the City Council reorganize by electing a Mayor and Mayor Pro Tempore.

The reorganization of the City Council will take place as follows:

Item M Reorganization of the Lodi City Council

- Presentation to the Mayor by the City Manager.
- Comments by the Mayor.
- City Clerk will conduct the election for the office of Mayor.
- Following the election, the City Clerk will hand the gavel to the newly-elected Mayor, who will then conduct the election for the office of Mayor Pro Tempore.
- The newly-elected Mayor will then adjourn the meeting.

FUNDING: None

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2005-_____

A RESOLUTION OF THE LODI CITY
COUNCIL CONFIRMING THE ELECTION
OF THE MAYOR

WHEREAS, reorganization of the City Council takes place at the first regular meeting in December each year; and

WHEREAS, during the reorganization, an election is held by the Council as a whole by nomination and vote for the positions of Mayor and Mayor Pro Tempore; and

WHEREAS, at its meeting held December 7, 2005, _____ was elected to serve as Mayor for a one-year period.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that Resolution No. 2005-_____ is hereby adopted confirming the election of _____ as Mayor of the City of Lodi for a one-year period; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage.

DATED: December 7, 2005

I hereby certify that Resolution No. 2005-_____ was passed and adopted by the Lodi City Council in a regular meeting held December 7, 2005, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2005-_____

RESOLUTION NO. 2005-_____

A RESOLUTION OF THE LODI CITY
COUNCIL CONFIRMING THE ELECTION OF
THE MAYOR PRO TEMPORE

WHEREAS, reorganization of the City Council takes place at the first regular meeting in December each year; and

WHEREAS, during the reorganization, an election is held by the Council as a whole by nomination and vote for the positions of Mayor and Mayor Pro Tempore; and

WHEREAS, at its meeting held December 7, 2005, _____ was elected to serve as Mayor Pro Tempore for a one-year period.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that Resolution No. 2005-_____ is hereby adopted confirming the election of _____ as Mayor Pro Tempore of the City of Lodi for a one-year period; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage.

DATED: December 7, 2005

I hereby certify that Resolution No. 2005-_____ was passed and adopted by the Lodi City Council in a regular meeting held December 7, 2005, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2005-_____